



**MINUTES**  
**Combined Meeting of the Mayor and Council**  
**Wednesday, August 14, 2024**  
**7:00 PM**

To view the Mayor & Council meeting via livestream, please access the YouTube link which is posted on the Northvale website, [www.northvalenj.org](http://www.northvalenj.org). Go to government tab, then to meeting livestreams.

Mayor McGuire called the meeting to order at 7:00 PM in the Council Chambers at 116 Paris Avenue, Northvale, New Jersey 07647.

**Mayor McGuire read the Open Public Meetings Act Notice into the record as follows:**

*“This is a Combined Meeting of the Mayor and Council of the Borough of Northvale. The date, time and location of this meeting have been advertised in the official Newspapers of the Borough, filed with the Municipal Clerk, and posted on the bulletin board in the Municipal Building. All notice requirements of the Open Public Meetings Act for this meeting have been fulfilled. Please note the fire exits as required by law at public meetings.”*

**SALUTE TO THE FLAG**

Mayor McGuire asked everyone to stand and join him in a salute to the flag. He also asked everyone to remain standing for a moment of silence for our first responders, police and troops overseas.

**Mayor McGuire asked for roll call:**

Mayor McGuire	Present	Councilwoman McMorrow	Present
Councilman Bakalian	Present	Councilman Mattessich	Present
Councilwoman Fernandez	Present	Councilman Menafra	Present
		Councilman Sokoloski	Present

**Other Officials Present:**

Kenneth Ralph, Borough Attorney  
Scott Loverich, Borough Engineer  
Frances Weston, Municipal Clerk

**APPOINTMENTS**

Mayor McGuire asked for a motion and second to approve the appointment of Nicholas Rotolo of 39 Orangeburg Road, Old Tappan to the Northvale Fire Department. Motion was moved by Councilman Menafra, seconded by Council President McMorrow.

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

**APPROVAL OF MINUTES**

Mayor McGuire asked for a motion and second to approve the Minutes of the Combined Meeting of July 10, 2024. Motion was moved by Councilman Mattessich, seconded by Councilwoman Fernandez.

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

**CORRESPONDENCE**

1. I-M Cleaning, Inc.  
Cleaning Services Proposal September 1, 2024  
(Resolution #2024-119)
2. Neglia Letter dated August 7, 2024  
Recommendation of Contract Award  
(Resolution #2024-121)



**RESOLUTIONS – Consent Agenda –**

*“All items are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Any item may be removed for further discussion or for a roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business”.*

**Mayor McGuire asked for a motion and second to approve Consent Agenda Resolutions #2024-111, 2024-113 through 2024-123. Motion was moved by Councilman Sokoloski, seconded by Councilman Bakalian.**

**RESOLUTION #2024-111**

**TITLE: RESOLUTION APPROVING CHANGE ORDER #1 FOR 2024 RIVERSIDE COOPERATIVE ROAD IMPROVEMENT PROJECT – DLS CONTRACTING, INC.**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, Bergen County, New Jersey, upon the recommendation of the Borough Engineer that the Change Order for the contract listed below be and is hereby approved.

TITLE OF JOB: 2024 Riverside Cooperative Road Improvements Project

CONTRACTOR: DLS Contracting, Inc.  
36 Montesano Road, Fairfield, NJ 07004

CHANGE ORDER NO: 1

ORIGINAL CONTRACT: \$190,313.48

AMOUNT OF CHANGE THIS RESOLUTION: \$14,540.00 (7.64% increase) for an updated contract amount of \$204,853.48.

This Resolution to take effect upon certification by the Chief Financial Officer that sufficient funds are available.

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**RESOLUTION #2024-113**

**TITLE: RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF A 2023 CHEVROLET SILVERADO POLICE VEHICLE FOR THE NORTHVALE POLICE DEPARTMENT – STATE CONTRACT #20-FLEET-01190/17-FLEET-00758-MEE**

**WHEREAS**, the Borough of Northvale pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29 (c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Northvale has the need on a timely basis to purchase goods or services utilizing State contracts; and

**WHEREAS**, the Borough of Northvale intends to enter into a contract with Gentilini Motors of Egg Harbor Township, New Jersey, through this resolution, which shall be subject to



all the conditions applicable to the current State contract, for the purchase of a 2023 Chevrolet Silverado vehicle.

**NOW, THEREFORE BE IT RESOLVED**, that the Borough of Northvale authorize the purchase of a 2023 Chevrolet Silverado vehicle pursuant to all conditions of the State contract at a base cost of \$59,519.00.

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**RESOLUTION #2024-114**

**TITLE: RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR RIVERSIDE COOPERATIVE SPOTTED LANTERNFLY TREATMENT**

**WHEREAS**, N.J.S.A. 40A:11-1 ET. SEQ. and N.J.A.C. 5:34-7 et seq., permits the creation of a cooperative pricing system whereby two or more contracting units join together to form a joint purchasing and cooperating pricing system; and

**WHEREAS**, the Riverside Cooperative was duly formed and created and has designated the Borough of Northvale as the Lead Agency; and

**WHEREAS**, the Riverside Cooperative intends to solicit bids for the 2024 Spotted Lanternfly Treatment; and

**WHEREAS**, the aggregate of said goods and services is anticipated to exceed the current bid threshold and is therefore required to be bid under a formal process pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-3 et. seq; and

**WHEREAS**, as the Lead Agency, the Borough of Northvale is responsible for advertising for the receipt of bids for the 2024 Spotted Lanternfly Treatment.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale, County of Bergen, and State of New Jersey, that the Borough of Northvale does hereby authorize the Municipal Clerk to advertise for the receipt of bids for the 2024 Spotted Lanternfly Treatment.

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**RESOLUTION #2024-115**

**TITLE: RESOLUTION APPROVING RAFFLE LICENSE #255 – K OF C IMMACULATE CONCEPTION COUNCIL 9021 – 50/50 RAFFLE – SEPTEMBER 21, 2024**

NAME:	K of C Immaculate Conception Council 9021
ADDRESS:	211 Summit Street, Norwood, NJ
LOCATION OF RAFFLE:	199 Walnut Street, Northvale, NJ
HOURS:	5:00-11:00 PM
DATE OF RAFFLE:	September 21, 2024
ID #:	355-6-42364
RAFFLE LICENSE #:	RA #255

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**RESOLUTION #2024-116**

**TITLE: RESOLUTION TO APPROVE THE LOSAP QUALIFIERS FOR THE YEAR 2023 FOR THE FIRE DEPARTMENT AND AMBULANCE CORPS.**

**WHEREAS**, the Volunteer Fire Department and Ambulance Corps have notified the Municipal Clerk of the LOSAP Qualifiers for the year 2023 in writing; and

**WHEREAS**, the Plan Administrator/Municipal Clerk is satisfied that the substantiated information has been provided.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council hereby approve the qualifiers for LOSAP for the year 2023;

**BE IT FURTHER RESOLVED**, that the Plan Administrator/Municipal Clerk prepare the necessary paperwork and voucher in the amount of \$42,886.40.

**FIRE DEPARTMENT**

	<b>NAME</b>	<b>AMOUNT</b>
1.	Gregory Amorosso	1,072.16
2.	Briant Bodrato	1,072.16
3.	Christopher Bodrato	1,072.16
4.	Matthew Bond	1,072.16
5.	Karl Braun	1,072.16
6.	Peter Briscoe	1,072.16
7.	Robert Brondi	1,072.16
8.	Vincent Carney	1,072.16
9.	Stephen Cooke	1,072.16
10.	Nicholas Criscuolo	1,072.16
11.	Wayne Degen	1,072.16
12.	Edmund Devlin	1,072.16
13.	Frank Ferraro	1,072.16
14.	Michael Gaggin	1,072.16
15.	Thomas Gannon	1,072.16
16.	Thomas Gaspari	1,072.16
17.	Edward Giannotti	1,072.16
18.	Gerard Marsh	1,072.16
19.	Ashley Panella	1,072.16
20.	Corey Patullo	1,072.16
21.	Michael Pizzi	1,072.16
22.	Edward Rejmaniak	1,072.16
23.	Christian Renner	1,072.16
24.	William Sillery	1,072.16
25.	Christopher Smithson	1,072.16
26.	Gerard Smithson	1,072.16
27.	Gareth Thompson	1,072.16
28.	Anthony Ubl	1,072.16
29.	Brian Ward	1,072.16
30.	Edward Witkowski	1,072.16
	<b>TOTAL</b>	<b>32,164.80</b>

**AMBULANCE CORPS.**

	<b>NAME</b>	<b>AMOUNT</b>
31.	Daryl Cerbasi	1,072.16
32.	Abbey Fallon	1,072.16
33.	James Ippolito	1,072.16



34.	Thea McDaniel	1,072.16
35.	Kara McMorrow	1,072.16
36.	Vincent St. Angelo	1,072.16
37.	Taylor Stoffer	1,072.16
38.	Alex Toroslar	1,072.16
39.	Kevin Trainor	1,072.16
40.	Joe Visconi	1,072.16
	<b>TOTAL</b>	<b>10,721.60</b>

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**RESOLUTION #2024-117**

**TITLE: RESOLUTION ACCEPTING DONATIONS FOR THE NORTHVALE FIRE ASSOCIATION AND THE NORTHVALE VOLUNTEER AMBULANCE CORPS.**

**WHEREAS**, the Borough of Northvale has received a donation from the Chodae Community Church in the sum of \$6,000 and has received a donation from Prestige Pickleball in the sum of \$900.00; and

**WHEREAS**, both donors designated that the donations be divided between the Northvale Fire Association and the Northvale Volunteer Ambulance Corps; and

**WHEREAS**, the Borough wishes to accept these donations and distribute the donations as directed.

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Northvale, that the Borough hereby accepts, with thanks, the generous donations from Chodae Community Church in the sum of \$6,000 and the generous donation from Prestige Pickleball in the sum of \$900 and directs that a check be issued to the Northvale Fire Association in the sum of \$3,450.00, and that a check be issued to Northvale Volunteer Ambulance Corps in the sum of \$3,450.00.

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**RESOLUTION #2024-118**

**TITLE: RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ISSUE A REFUND DUE TO THE OVERPAYMENT OF TAXES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Northvale that a warrant be drawn as indicated below in the designated amount representing a duplicate tax payment as follows:

<b>Block/Lot</b>	<b>Name /Address</b>	<b>Date Paid</b>	<b>Amount</b>
116/10	Mitchell Archer 424 Briarwood Lane Northvale, NJ 07647	8/1/2024	\$3,659.70

**BE IT FURTHER RESOLVED**, that Mr. Archer made the payment in error and Wells Fargo also made the payment. Since Mr. Archer should not have made the payment at all, it should be refunded to him.

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**RESOLUTION #2024-119**

**TITLE: RESOLUTION AUTHORIZING A CONTRACT WITH I-M CLEANING, INC. FOR CLEANING SERVICES**

**WHEREAS**, the Borough of Northvale wishes to renew the contract with I-M Cleaning, Inc. for cleaning services three days per week in accordance with their proposal effective September 1, 2024; and

**WHEREAS**, the proposal has been approved by the Borough’s Qualified Purchasing Agent.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor is hereby authorized to enter into a contract with I-M Cleaning, Inc. in accordance with their proposal.

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**RESOLUTION #2024-120**

**TITLE: RESOLUTION TO AMEND RESOLUTION #2024-109 AWARDED BID FOR THE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2026 FOR THE REMOVAL, TRIMMING, AND STUMP GRINDING SERVICES ON BEHALF OF THE RIVERSIDE COOPERATIVE**

**WHEREAS**, NJSA 40A:11-10(1) authorizes contracting units to enter into cooperative pricing agreements; and

**WHEREAS**, the Borough of Northvale has volunteered to act as the “Lead Agency” for the purchase of work, materials, and supplies for the Riverside Cooperative (35RC) (“the Coop”) for the year 2024; and

**WHEREAS**, resolution #2024-109, adopted 7/10/2024, awarded a contract for the period 10/1/2024, through 9/30/25 and a contract for the period 10/1/2025, through 9/30/2026; and

**WHEREAS**, the contract 10/1/2024 through 9/30/25 of resolution 2024-109 represents a duplication of the contract awarded via resolution 2023-125 on July 12, 2023 from 10/1/2024, through 9/30/2025 to Downes Tree Service Co. Inc.; and

**WHEREAS**, it is not in the best public interest of the Riverside Cooperative to have a duplication of the contract period 10/1/2024, through 9/30/2025, awarded via resolution 2024-109.

**NOW, THEREFORE BE IT RESOLVED**, that the contract awarded to Downes Tree Service Co., Inc. for Category A work and a contract awarded to Beucler Tree Experts LLC for Category B and Category C work for the period 10/1/2024, through 9/30/2025 is hereby rescinded.

**BE IT FURTHER RESOLVED**, that the Northvale Mayor and Municipal Clerk be and are hereby authorized and directed to modify the Master Contract with the above-named firms for the contract period 10/1/2024, through 9/30/2025 to reflect the deletion of this period from resolution 2024-109, acting as the Lead Agency on behalf of the Riverside Cooperative.

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**RESOLUTION #2024-121**

**TITLE: RESOLUTION AWARDING CONTRACT FOR 2024 ROAD IMPROVEMENTS FOR WILDWOOD ROAD WEST AND SCHARER AVENUE IMPROVEMENTS (NJDOT MA24 FUNDED)**

**WHEREAS**, upon advertisement and pursuant to specifications in accordance with the New Jersey Public Contracts Law, N.J.S.A.40A:11-1 et seq., and specifically N.J.S.A. 40A:11-23, the Borough of Northvale (the “Borough”) solicited bid proposals for the 2024 Road Improvements for Wildwood Road West and Scharer Avenue; and

**WHEREAS**, the Borough received five bids as follows:

- |                                   |              |
|-----------------------------------|--------------|
| 1. D & L Paving Contractors Inc.  | \$271,583.27 |
| 2. DLS Contracting                | \$323,586.90 |
| 3. Smith Soudy Asphalt Const. Co. | \$325,323.70 |
| 4. 4 Clean Up, Inc.               | \$326,365.00 |
| 5. AJM Contractors Co. Inc.       | \$337,586.90 |

**WHEREAS**, the lowest responsible bid was submitted by D & L Paving Contractors, Inc., and

**WHEREAS**, the Borough has determined that it is in the best interests of the Borough to accept this proposal from D & L Paving Contractors Inc. in the sum of \$271,583.27.

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Northvale, that the Borough hereby accepts the proposal from D & L Paving Contractors Inc. and authorizes the Mayor to enter into a contract with them.

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**RESOLUTON #2024-122**

**TITLE: RESOLUTION APPROVING RAFFLE LICENSE #256 – NORTHVALE PTO – RAFFLE – SEPTEMBER 30, 2024**

- |                     |                                |
|---------------------|--------------------------------|
| NAME:               | Northvale PTO                  |
| ADDRESS:            | 441 Tappan Road, Northvale, NJ |
| LOCATION OF RAFFLE: | 441 Tappan Road, Northvale, NJ |
| HOURS:              | 2:00-3:00 PM                   |
| DATE OF RAFFLE:     | September 30, 2024             |
| ID #:               | 353-5-37377                    |
| RAFFLE LICENSE #:   | RA #256                        |

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**RESOLUTION #2024-123**

**TITLE: PAYMENT OF BILLS**

**WHEREAS**, claims have been submitted to the Borough of Northvale in the following amounts under various funds of the borough:

Current Fund Appropriations (2024)	\$463,156.67
Current Fund Appropriations (2023)	7.06
General Capital Fund	176,913.40
Grant Fund	13,575.08
Animal Trust	1.20
Police DEA Trust	62,183.95
Escrow Trust	4,111.04
Affordable Housing Trust	
Recreation Trust	702.25
Summer Recreation Trust	6,150.00
<b>SUBTOTAL</b>	<b>\$726,800.65</b>

**WHEREAS**, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, finance committee, and/or the chief financial officer; and

**WHEREAS**, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Northvale, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued; accordingly, and

**WHEREAS**, claims have already been paid in the following amounts for the purposes specified below during the course of the year:

Northern Valley Regional High School		
Payroll – Salaries & Wages	7-17-24	\$180,000.00
Payroll- Salaries & Wages	7-31-24	\$165,000.00
Health Benefits	6-24-24	\$63,534.14
County Taxes		
Employee Pension Payment-PERS/PFRS		
Northvale Board OF Education Northern Valley Regional High School District		
Northvale Public Library		
Capital - Interfund	7-11-24	\$30,000
DTC- Bond Principal		
DTC- Bond Interest		
<b>TOTAL</b>		<b>\$1,165,334.79</b>





**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Northvale that the claims totaling **\$1,165,334.79** and ratified respectively.

**ON THE QUESTION** – Councilman Bakalian asked if the cleaning service went up \$100 because we asked for more to be done Mayor McGuire replied there were not any new services requested. Councilman Bakalian also asked what cleaning supplies are being used. He further asked if the Police were happy with the service.

Councilman Menafrá asked if the new police vehicle has to be outfitted after the purchase and will that be covered by the DEA funds.

**Mayor McGuire opened the meeting to the public for questions or comments on the consent agenda items only. There being no questions or comments, Mayor McGuire closed the meeting to the public.**

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	**
Councilwoman Fernandez	Yes	Councilman Menafrá	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

\*\*Councilwoman McMorrow abstained from Resolutions #2024-116 and 2024-117. She voted yes on Resolutions 2024-111, 2024-113, 2024-114, 2024-115, 2024-118 through 2024-123.

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**ORDINANCES – 2nd READING**

**Mayor McGuire asked for a motion and second to approve Ordinance #1091-2024. Motion was moved by Councilman Bakalian, seconded by Councilman Menafrá**

**ORDINANCE #1091-2024**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF NORTHVALE BY PROVIDING AN ENTIRELY NEW CHAPTER ENTITLED CHAPTER 172, STORMWATER CONTROL**

**WHEREAS**, the Borough is required to periodically extensively update, and revise Chapter 172 entitled “Stormwater Control,”

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Northvale, in the County of Bergen and State of New Jersey that the Code of the Borough of Northvale be and is hereby supplemented to include an entirely new chapter entitled “Chapter 172, Stormwater Control,” which chapter shall now read in full as follows:

**Chapter 172. Stormwater Control**

**Article I.**

**§172-1. Scope and Purpose**

A. Policy statement.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.



## B. Purpose.

It is the purpose of this chapter to establish minimum stormwater management requirements and controls for major development, as defined in §172-2, and to reduce the amount of nonpoint-source pollution entering surface and ground water. Unmitigated stormwaters from areas altered by development may pose public health and safety threats. This chapter establishes the administrative mechanisms necessary for the Borough of Northvale to ensure proper stormwater management. This chapter is written to work in conjunction with current state and federal regulations. This chapter guides development in a manner that is proactive and minimizes harmful impacts to natural resources. Specifically, this chapter shall:

- (1) Reduce artificially induced flood damage to public health, life, and property;
- (2) Minimize increased stormwater runoff rates and volumes;
- (3) Minimize the deterioration of existing structures that would result from increased rates of stormwater runoff;
- (4) Induce water recharge into the ground wherever suitable infiltration, soil permeability and favorable geological conditions exist;
- (5) Prevent an increase in nonpoint-source pollution;
- (6) Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
- (7) Control and minimize soil erosion and the transport of sediment;
- (8) Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;
- (9) Maintain adequate base flow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
- (10) Protect all surface water resources from degradation; and
- (11) Protect groundwater resources from degradation and diminution.

## C. Applicability.

- (1) This ordinance shall be applicable to the following major developments:
  - (a) Nonresidential major developments; and
  - (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
  - (c) All nonmajor development projects which are determined by the Zoning Enforcement Officer of the Borough in consultation with the Borough Engineer to be of such a nature that would likely impose stormwater drainage onto neighboring properties.
- (2) This chapter shall also be applicable to all major developments undertaken by Borough of Northvale.
- (3) An application required by ordinance pursuant to §172-1.C.(1) above that has been submitted prior to Thursday, April 18, 2024, shall be subject to the stormwater management requirements in effect on Wednesday April 17, 2024.
- (4) An application required by ordinance for approval pursuant to 172-1.C.(1) above that has been submitted on or after March 2, 2021, but prior to Thursday, April 18, 2024, shall be subject to the stormwater management requirements in effect on Wednesday April 17, 2024.



- (5) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with other permit and ordinance requirements.

Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## Article II.

### §172-2. Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

#### **BEST MANAGEMENT PRACTICE (BMP)**

Structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

#### **CAFRA CENTERS, CORES OR NODES**

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

#### **CAFRA PLANNING MAP**

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

#### **COMMUNITY BASIN**

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

#### **CATEGORY 1 (C1) WATERS**

Waters of the state, including unnamed waterways that appear on Soil Survey and USGS Topographic Quadrangle Maps within the same HUC 14 watershed, designated in N.J.A.C. 7:9B-1.15(c) through (h) for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d) for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

#### **COMPACTION**

The increase in soil bulk density.



## **CONTRIBUTORY DRAINAGE AREA**

The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

## **CORE**

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

## **COUNTY REVIEW AGENCY**

An agency designated by the County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- A. County planning agency; or
- B. County water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

## **DEPARTMENT**

The New Jersey Department of Environmental Protection.

## **DESIGNATED CENTER**

A State Development and Redevelopment Plan Center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

## **DESIGN ENGINEER**

A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

## **DEVELOPMENT**

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; any mining excavation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act; N.J.S.A. 4:1C-1 et seq.

## **DISTURBANCE**

The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

## **DRAINAGE AREA**

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving waterbody.

## **ENVIRONMENTALLY CONSTRAINED AREA**

The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

## **ENVIRONMENTALLY CRITICAL AREAS**

An area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and



Nongame Species Program.

### **EMPOWERMENT NEIGHBORHOODS**

neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

### **EROSION**

The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

### **ESCAPE PROVISIONS**

The permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins.

### **GROUNDWATER**

A body of water below the surface of the land in a zone of saturation where the spaces between the soil or geological materials are fully saturated with water.

### **GREEN INFRASTRUCTURE**

A stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

### **HUC 14 OR HYDROLOGIC UNIT CODE 14**

An area within which water drains to a particular receiving surface water body, also known as a sub watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

### **IMPERVIOUS SURFACE**

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

### **INFILTRATION**

The process by which water seeps into the soil from precipitation.

### **LEAD PLANNING AGENCY**

One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

### **MAJOR DEVELOPMENT**

An individual “development,” as well as multiple developments that individually or collectively result in:

- (1) The disturbance of one or more acres of land since February 2, 2004;
- (2) The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
- (3) The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 {or the effective date of this chapter, whichever is earlier}; or
- (4) A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development,” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

### **MITIGATION**

An action by an applicant providing compensation or offset actions for on-site stormwater management requirements where the applicant has demonstrated the inability or





impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8 in an adopted regional stormwater management plan or in this local chapter and has received a waiver from strict compliance from the Borough of Northvale. Mitigation for the purposes of this chapter includes both the mitigation plan detailing how the project's failure to strictly comply will be compensated, and the implementation of the approved mitigation plan.

### **MOTER VEHICLE**

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

### **MOTER VEHICLE SURFACE**

Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

### **MUNICIPALITY**

Any city, borough, town, township, or village.

### **NEW JERSEY STORMWATER BEST MANGEMENT PRACTICES (BMP) MANUAL**

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with § 172-4.G of this chapter and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

### **NODE**

An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

### **NONSTRUCTURAL STORMWATER MANAGEMENT TECHNIQUES**

Techniques that control or reduce stormwater runoff in the absence of stormwater structures (e.g., basins and pipe conveyances), such as minimizing site disturbance, preserving important site features, including but not limited to natural vegetation, reducing and disconnecting impervious cover, minimizing slopes, utilizing native vegetation, minimizing turf grass lawns, increasing time of concentration, and maintaining and enhancing natural drainage features and characteristics.

### **NUTRIENT**

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

### **PERMEABLE**

A surface or land cover capable of transmitting or percolating a significant amount of precipitation into the underlying soils.

### **PERSON**

Any individual, corporation, company, partnership, firm, association, Borough of Northvale or political subdivision of this State and any state, interstate, or Federal agency.

### **PLAN**

A document approved at the site design phase that outlines the measures and practices used



to control stormwater runoff at the site.

### **POLLUTANT**

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

### **POLLUTION**

The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water to the extent that the pollutant concentration or level violates either the groundwater quality standards (N.J.A.C. 7:9-6) or the surface water quality standards (N.J.A.C. 7:9B) of New Jersey.

### **PUBLIC ROADWAY OR RAILROAD**

a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

### **PUBLIC TRANSPORTATION ENTITY**

a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

### **RECHARGE**

The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

### **REGULATED IMPERVIOUS SURFACE**

Any of the following, alone or in combination:

- (1) A net increase of impervious surface;
- (2) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- (3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
- (4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

### **REGULATED MOTER VEHICLE SURFACE**

Any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or

quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

### **REVIEW AGENCY (MUNICIPAL)**

The municipal body or official that is responsible for the review of a major development project for compliance with the stormwater management requirements.





**SEDIMENT**

Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

**SITE**

The lot or lots upon which a major development is to occur or has occurred.

**SOIL**

All unconsolidated mineral and organic material of any origin.

**SOIL AND FLOATABLE MATERIALS**

Sediment, debris, trash and other floating, suspended or settleable solids.

**SOURCE MATERIAL**

Any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing, or other industrial activities, that could be a source of pollutants in any industrial stormwater discharge to ground or surface water. Source materials include, but are not limited to, raw materials, intermediate products, final products, water materials, by-products, industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

**STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)**

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

**STATE PLAN POLICY MAP**

The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

**STORMWATER**

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.

**STORMWATER MANAGEMENT BMP**

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

**STORMWATER MANAGEMENT MEASURE**

Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

**STORMWATER RUNOFF**

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

**STORMWATER MANAGEMENT PLANNING AGENCY**

A public body authorized by legislation to prepare stormwater management plans.

**STORMWATER MANGEMENT PLANNING AREA**

The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

**STREAM BUFFER**

A strip of land located immediately adjacent to a stream channel consisting of natural, undisturbed vegetative cover, which serves as a transition area between uplands and riparian lands. A stream buffer may encompass wetlands, may be contained with a floodplain or



floodway or may extend beyond a wetland, floodplain, or floodway boundary.

### **STRUCTURAL STORMWATER TECHNIQUES**

A stormwater management measure that involves control of concentrated stormwater runoff or filtration such as stormwater basins, piped conveyance systems and manufactured stormwater devices and can include various types of basins, filters, surfaces, and devices located on individual lots in a residential development or throughout a commercial, industrial, or institutional development site in areas not typically suited for larger, centralized structural facilities.

### **THREATENED AND ENDANGERED SPECIES**

Endangered species are those whose prospects for survival in New Jersey are in immediate danger because of a loss or change in habitat, overexploitation, predation, competition, disease, disturbance, or contamination. Assistance is needed to prevent future extinction in New Jersey. Threatened species are those who may become endangered if conditions surrounding them begin to or continue to deteriorate. Habitats of endangered or threatened species are those identified by the Department's Landscape Project as approved by the Department's Endangered and NonGame Species Program.

### **TIME OF CONCENTRATION**

The time it takes for stormwater runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

### **TIDAL FLOOD HAZARD AREA**

A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

### **TRANSITION AREA**

An area of protected upland adjacent to a freshwater wetland that minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem. Also known as "buffer area."

### **URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD**

A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

### **URBAN ENTERPRISE ZONES**

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

### **URBAN REDEVELOPMENT AREA**

Previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

### **WATER CONTROL STRUCTURE**

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.



## **WATERS OF THE STATE**

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

## **WETLANDS or WETLAND**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

### **Article III.**

#### **§172-3. Design and Performance Standards for Stormwater Management Measures.**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  - (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **Article IV.**

#### **§172-4. Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Article X.
- B. Stormwater management measures shall be implemented in order to avoid adverse impacts of concentrated flow on habitat(s) for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 172-4.Q, R and S:
  - (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
  - (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
  - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 172-4.Q, R and S may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:



- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 172-4.Q, R and S to the maximum extent practicable;
  - (3) The applicant demonstrates that, in order to meet the requirements of § 172-4.Q, R and S, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 172-4.D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 172-4.P, Q and R that were not achievable on site.
- E. A waiver from strict compliance from such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the Borough of Northvale's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, the applicant should provide mitigation within the same watershed within which the subject project is proposed. If mitigation within the same watershed is not possible and/or practical, the applicant shall contribute funding toward a regional stormwater control project or provide for equivalent treatment at an alternate location or other equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site. Said mitigation must be reviewed and agreed upon by the Borough of Northvale and Borough Engineer prior to commencement of mitigation work.
- F. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 172-4.P, Q, R, and S. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- <https://dep.nj.gov/stormwater/bmp-manual/>.
- G. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this chapter the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.



**Table 1**  
**Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality,**  
**and/or Stormwater Runoff Quantity**

<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

*(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found after Table 3)*  
*(continued on the next page)*



**Table 2  
Green Infrastructure BMPs for Stormwater Runoff Quantity  
(or for Groundwater Recharge and/or Stormwater Runoff Quality  
with a Waiver or Variance from N.J.A.C. 7:8-5.3)**

<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

*(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found after Table 3)*

*(continued on the next page)*





**Table 3**  
**BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3**

<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 172-4.P.(2);
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot-wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at § 172-2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 172-2.

H. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §172-6.B. Alternative stormwater management measures may be used to satisfy the requirements at § 172-4.P only if the measures meet the definition of green infrastructure at §172-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §172-4.P.(2) are subject to the contributory drainage area limitation specified at §172-4.P.(2) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §172-4.P.(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §172-4.D is granted from §172-4.P.





- I. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- J. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §172-8.C;
  - (3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Article 9; and
  - (5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- K. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §172-2 may be used only under the circumstances described at §172-4.P.(4).
- L. Any application for a new agricultural development that meets the definition of major development at § 172-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 172-4.P, Q, R, and S, and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- M. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 172-4.Q, R, and S shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- N. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Bergen County Clerk of the county in which the development, project, project site, or



mitigation area containing the stormwater management measure is located, as appropriate, to the municipality. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 172-4.P, Q, R, and S shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 172-310.B.(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- O. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Article 4 of this chapter and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

P. Green Infrastructure Standards

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at § 172-4.Q and R, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 172-4.G. and/or an alternative stormwater management measure approved in accordance with § 172-4.H. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at § 172-4.S., the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 172-4.H.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 172-4.D. is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 172-4.H. may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 172-4.Q, R, and S.



- (5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 172-4.Q, R, and S, unless the project is granted a waiver from strict compliance in accordance with § 172-4.D.

#### Q. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Article 5, either:
  - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section § 172-5.D. of this chapter, is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- (4) The following types of stormwater shall not be recharged:
  - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing, or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

#### R. Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:



- (a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.



**Table 4 - Water Quality Design Storm Distribution**

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (5) If more than one BMP in series is necessary to achieve the required eighty percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100$$

Where:

R = total TSS percent load removal from application of both BMPs

A = the TSS percent removal rate (whole number) applicable to the first (upstream) BMP

B = the TSS percent removal rate (whole number) applicable to the second (downstream) BMP

*In cases where three or more BMPs are used in series, the applicant shall calculate the TSS reduction for the two most upstream BMPs in the series using the above formula, then substitute the result of that calculation in the formula for "A" when calculating the combined result with the next BMP in the series.*





- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 172-4.Q, R, and S.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### S. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Article 5, complete one of the following:
  - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in § 172-5.C and D, respectively, of this chapter, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to § 172-5.C and D, respectively, of this chapter, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to § 172-5.C and D, respectively, of this chapter, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of



the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

- (3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

#### **Article V.**

#### **§172-5. Calculation of Stormwater Runoff and Groundwater Recharge.**

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate stormwater runoff in accordance with the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

- (2) For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology at § 172-5.A(1). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and/or volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of previous and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:





The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Bergen	1.01	1.03	1.06
Essex	1.01	1.03	1.06
Hudson	1.03	1.05	1.09
Passaic	1.00	1.02	1.05

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Bergen	1.20	1.23	1.37
Essex	1.19	1.22	1.33
Hudson	1.19	1.19	1.23
Passaic	1.21	1.27	1.50



## Article VI.

### §172-6. Sources for Technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended, and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

- (2) Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

## Article VII.

### §172-7. Solids and Floatable Materials Control Standards.

- A. Site design features identified under § 172-4.G. above, or alternative designs in accordance with § 172-4.H. above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 172-7.A.(2) below.

- (1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

- (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

- (2) The standard in A.1. above does not apply:

- (a) Where each individual clear space in the curb opening in existing curb-opening inlet



does not have an area of more than nine (9.0) square inches;

- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1)

- (d) Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

### **Article VIII.**

#### **§172-8. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 172-8.C.(1), (2), and (3), for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for trash racks, overflow grates and escape provisions.
  - (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
    - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
    - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
    - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
    - (d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.



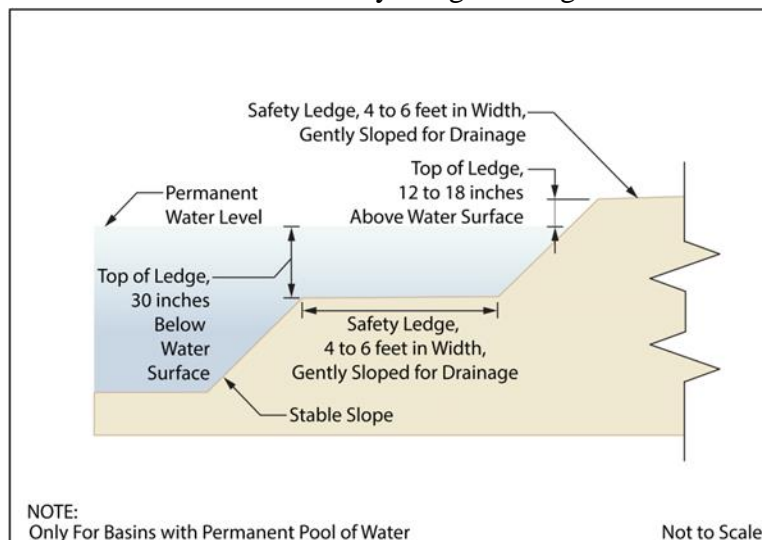
- (2) An overflow grate is intended to protect the opening in the top of a stormwater management measure outlet structure. It is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - (b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.
  - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the reviewing agency and/or the Borough Engineer identified in § 172-8.C., a freestanding outlet structure may be exempted from this requirement;
  - (b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See § 172-8.E for an illustration of safety ledges in a stormwater management BMP; and
  - (c) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.
  - (d) An emergency drawdown method for detention basins is required where the permanent pool will be more than 2 1/2 feet deep. This drawdown method must consider downstream or off-site stability at the outfall in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

D. Variance or exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county, or Department) that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration.

Elevation View –Basin Safety Ledge Configuration





## Article IX.

### §172-9. Requirements for a Site Development Stormwater Plan:

#### A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at § 172-9.C. below as part of the submission of the applicant's application for subdivision or site plan approval.
- (2) The applicant shall demonstrate through submission requirements that the project meets the standards set forth in this chapter.
- (3) The applicant shall submit to the reviewing agency the seventeen (17) of copies of materials listed in the checklist for site development stormwater plans in accordance with § 172-9.C. of this chapter.

#### B. Site Development Stormwater Plan Approval.

The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

#### C. Checklist Requirements.

The following information shall be required:

##### (1) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information, as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

##### (2) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways, and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

##### (3) Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.





(4) Land use planning and source control plan.

This plan shall provide a demonstration of how the goals and standards of Article 3 through 5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible. The applicant should refer to the Borough of Northvale Stormwater Management Plan and the Borough of Northvale Stormwater Pollution Prevention Plan for additional requirements.

(5) Stormwater management facilities map.

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- (a) Total area to be disturbed, paved, or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations.

- (c) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Article 4 of this chapter.
- (d) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure. The Borough of Northvale shall be notified of site investigation activities and given the opportunity to have a witness, either prior to approval or as a condition of approval, as appropriate for the specific type of measure. Subsequent to approval of the development, postconstruction bulk soil density and infiltration testing shall be required for all infiltration measures that were used as justification for meeting the recharge standards, to ensure that they were properly constructed.

(7) Maintenance and repair plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of Article 10.

(8) Waiver from submission requirements.

The municipal official or board reviewing an application under this chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 172-9.C.(1) through (6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

## **Article X.**

### **§172-10. Maintenance and Repair**

#### **A. Applicability.**

Projects subject to review as in § 172-1.C. of this chapter shall comply with the requirements



of § 172-10.B and C.

B. General maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. This plan shall be separate from all other documents and designed for ongoing use by the site owner(s) or operator(s) in performing and documenting maintenance and repair, and by the Borough of Northvale in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the Borough of Northvale postconstruction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.
- (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
- (3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency, or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (5) If the person responsible for maintenance identified under Subsection C above is not a public agency, the maintenance plan and any future revisions based on Subsection G below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (6) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The person responsible for maintenance identified under Subsection C above shall perform all of the following requirements:
  - (a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - (b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - (c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection F and G above.
- (8) The requirements of Subsection C and D do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.





<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- (9) Authorized representatives of the Borough of Northvale, including but not limited to the Borough Engineer, Superintendent of Public Works and Building Department Official may enter the site as needed in order to conduct on-site inspections as discussed in § 172-7. The inspections shall be required to review and confirm that the information filed in the required reports as stated in § 172-10.B.(7) are correct. Additional inspections and reviews may be made as deemed appropriate by the Borough of Northvale.
- (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person, enforce penalties and/or liens as determined by the Borough of Northvale and described below. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
- D. The maintenance plan shall specifically provide a specific municipal right of access, which may include stormwater easements or covenants. The maintenance access shall be provided by the property owner(s) for access regarding facility inspections and maintenance as required. Easements and covenants shall be recorded with the Borough of Northvale prior to issuance of a permit.
- E. Any alteration in maintenance responsibility or alterations to maintenance plans and agreements must be reviewed and approved by the Borough of Northvale Building Department Official or Board that reviewed the application under this chapter in consultation with the Borough Engineer, Superintendent of Public Works and Building Department Official.
- F. All maintenance information and alterations to maintenance agreements shall be recorded with the office of the Borough of Northvale Building Department Official as described in § 172-10.B.(8). Copies of the maintenance agreements and alterations to maintenance agreements shall be included in the applicant's stormwater management plans and documents. Recording of the maintenance agreements in accordance with this chapter shall be the responsibility of the owner.

## **Article XI.**

### **§172-11. Violations and penalties.**

- A. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this chapter shall be subject to such penalties as are provided in Chapter 204 of this Code. In fixing the fine provided under Chapter 204, the court shall consider the additional or extraordinary cost to the Borough resulting from the violation of the terms of this chapter, as such cost may be certified to the court by the Superintendent of Public Works. Each day that a violation of this chapter continues after notice of such violation has been given shall be deemed a separate offense.
- B. The Superintendent of the Department of Public Works, Borough Engineer and Building Department Official shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the Superintendent of the Department of Public Works, Borough Engineer or Building Department Official may be delegated in writing to the person(s) or entities acting in the best interest of or in the employment of the Borough of Northvale.
- C. Should the applicant/owner fail to take the corrective actions, the Borough of Northvale shall



then have the right to take the available appropriate remedies it deems necessary to correct the violations, including fining the owner pursuant to penalties for violations of the Borough of Northvale Land Development Ordinance and to assert a lien on the subject property in an amount equal to the costs of remedial actions. The lien shall be enforced in the manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded with the Borough of Northvale and shall incur legal interest from the date of recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this chapter, including assessment of a lien on the property.

- D. Whenever a structural BMP is not implemented, operated, and/or maintained in chapter with the stormwater management plan which has been approved in accordance with this chapter. Any penalty invoked shall be in accordance with penalties for violations of the Borough of Northvale Land Development Ordinance.

**§172-12. Severability.**

Each section, subsection, sentence, clause and phrase of this chapter is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this chapter to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this chapter.

**§172-12.1. Effective Date:**

This chapter shall be in full force and effect from and after its adoption and any publication as required by law.

All of the current Chapter 172 and all parts of any other Chapter inconsistent with this Chapter are hereby repealed as to such inconsistent parts and this Chapter shall take effect after publication and passage in the manner provided by law and further only after the approval by the county review agency, or 60 days from the receipt of the ordinance by the county review agency if the county review agency should fail to act. If any section, subsection, paragraph, sentence, clause or word of this Chapter shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

**Mayor McGuire opened the meeting to the public for questions or comments on Ordinance #1091-2024 only. There being no questions or comments, Mayor McGuire closed the meeting to the public.**

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

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**Mayor McGuire asked for a motion and second to approve Ordinance #1092-2024. Motion was moved by Councilman Sokoloski, seconded by Council President McMorrow.**

**ORDINANCE #1092-2024**

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF ADA BARRIER-FREE RESTROOM IMPROVEMENTS AT THE JAMES F. MCGUIRE SENIOR CENTER IN, BY AND FOR THE BOROUGH OF NORTHVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$106,900 TO PAY THE COST THEREOF, TO APPROPRIATE A FEDERAL GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**



**BE IT ORDAINED**, by the Borough Council of the Borough of Northvale, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Northvale, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake ADA barrier-free restroom improvements at the James F. McGuire Senior Center in, by and for the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$106,900 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and the Federal grant appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the total estimated cost of said purpose is \$106,900, and (4) \$65,000 of said sum is to be provided by the Federal grant hereinafter appropriated, and (5) \$2,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$39,900, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$19,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$65,000 received or to be received as a grant from the Bergen County Community Development Program, pursuant to the Federal Housing and Community Development Act, is hereby appropriated to the payment of the cost of such purpose.

Section 5. It is hereby determined and stated that moneys exceeding \$2,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the Borough, are now available to finance said purpose. The sum of \$2,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$39,900 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$39,900 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any



time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$39,900 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the Federal grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and



the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**Mayor McGuire opened the meeting to the public for questions or comments on Ordinance #1092-2024 only. There being no questions or comments, Mayor McGuire closed the meeting to the public.**

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

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**ORDINANCES – 1<sup>ST</sup> READING**

**ORDINANCE #1093-2024-PULLED**

**AN ORDINANCE AMENDING CHAPTER 186 ARTICLE II, TRAFFIC REGULATIONS, OF THE BOROUGH CODE TO AMEND PROHIBITED PARKING ON A CERTAIN PORTION OF CHESTNUT STREET**

**Councilman Menafra pointed out that the ordinance does not indicate no parking on Sundays and holidays. Mr. Ralph advised the ordinance be pulled and introduced at the September meeting.**

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**Mayor McGuire asked for a motion and second to approve Ordinance #1094-2024. Motion was moved by Councilman Bakalian, seconded by Councilman Mattessich.**

**ORDINANCE #1094-2024**

**TITLE: AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 147, PROPERTY MAINTENANCE, OF THE BOROUGH CODE TO AMEND REGULATIONS FOR THE STORAGE OF VEHICLES AND MACHINERY**

**WHEREAS**, the parking and storage of vehicles and machinery is currently regulated; and

**WHEREAS**, the Borough wishes to amend the regulations for the parking of vehicles, vessels, recreational vehicles and trailers; and

**WHEREAS**, these regulations will enhance the appearance of property in the Borough while providing guidance for the appropriate parking and storage of vehicles, vessels, recreational vehicles and trailers.

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Northvale, County of Bergen, State of New Jersey, that the following ordinance is hereby added and replaces the current ordinance:





~~§ 147-8, Storage of Vehicles and Machinery.~~

~~It shall be unlawful for any owner, possessor or occupant of lands in the Borough of Northvale to store, place, keep, park or accumulate upon such lands any motor vehicles, automobiles or machines in need of repair so as not to be readily operated under their own power, requiring substantial repairs or not currently licensed or not being currently used for transportation.~~

**§ 147-8, Storage of Vehicles and Machinery.**

**A. Definitions:**

1. **“Recreation vehicle” means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.**
2. **“Trailer” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.**
3. **“Vehicle” means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or low-speed electric bicycles, low-speed electric scooters, or motorized bicycles.**
4. **"Vessel" means a boat or watercraft, used or capable of being used as a means of transportation on water.**

**B. Parking and Storage of Vehicles. It shall be unlawful to park or store on any property outside of an enclosed building any vehicle, recreation vehicle, trailer, vessel, or machinery that is inoperable, in disrepair, or not registered as may be required by the laws of the State of New Jersey.**

**C. Parking Prohibited. The parking of a vehicle, recreation vehicle, trailer, or vessel in, or upon any sidewalk, crosswalk, street intersection or public or private lawn is prohibited.**

**D. Parking Permitted. Except as set forth in Section 147-8 B, the parking of a recreation vehicle, trailer or vessel is permitted only on a paved driveway; further, a recreation vehicle, trailer or vessel must be parked at least ten (10) feet from the curbline and not interfere with sight lines from the street.**

**SECTION 2. This Ordinance shall take effect upon passage and publication as provided by Law.**

**ON THE QUESTION** – Councilman Sokoloski commented that the Ordinance was simplified and vehicles can only be parked on a paved driveway.

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes



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Mayor McGuire asked for a motion and second to approve Ordinance #1095-2024. Motion was moved by Council President McMorro, seconded by Councilman Menafra.

### ORDINANCE #1095-2024

#### AN ORDINANCE AMENDING CHAPTER 135 PARKS AND RECREATION AREAS, ARTICLE II ATHLETIC FIELD, § 135-15 Permits. OF THE BOROUGH CODE TO AMEND REGULATIONS FOR THE USE AND PERMITTING OF ATHLETIC FIELDS

WHEREAS, the Borough deems it in the Borough's best interests to further regulate the use of athletic fields to avoid conflict and set forth standards for use of the athletic fields; and

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Northvale, County of Bergen, State of New Jersey, that Chapter 135, Article II § 135-15 Permits, is hereby added and replaces the current ordinance:

#### Section 1.

#### § 135-15 Permits.

#### A.

The Mayor and Council hereby authorize the ~~Northvale Recreation Committee~~ **Borough Clerk** to issue permits to all regular users of the recreational facilities for the purpose of ~~softball games~~ **sporting events, camps, and social events**. Such permits shall be in a form approved by said ~~Recreation Committee~~ **Borough Clerk**, and shall indicate thereon the dates and times that the applicant is permitted to utilize the recreational facilities. **Applicants are required to provide a Hold Harmless Agreement in a form prescribed by the Northvale Recreation Committee or the Borough Clerk and shall provide a certificate of insurance specifically naming the Borough of Northvale as an additional insured providing general liability, bodily injury and property damage coverage with minimum limits of liability of not less than \$1,000,000 combined single limit.**

#### B.

No regular user, defined herein, shall utilize the recreational facilities of the Borough of Northvale for the purposes of ~~softball competition~~ **sporting events, camps, and social events** after the effective date of this Article unless they have first obtained a permit from the Borough Clerk.

#### C. Priority of Use.

1. When determining the priority of use of athletic fields and recreational facilities, priority shall first be given to activities arranged by the Northvale Recreation Committee or the Borough Clerk. Secondly priority will be given to activities arranged by the Northvale Board of Education.

2. Limitations on Usage. Field usage shall be limited to a maximum of eight (8) reservations per year, unless specifically approved by the Borough Clerk.

#### 3. Usage fees.

a. The fee for field usage is \$75 per usage with a maximum usage of four (4) hours.

b. The fee for usage of the gazebo shall be \$50 for up to the first hour and \$25 for each hour or part thereof thereafter for a limit of four (4) hours.

c. The fee for picnic and event permits for the use of one field shall be \$75 for up to four hours per field.

d. The fee for summer camp and sports camp shall be \$10 per week per participant for the first 50 participants and \$15 for each participant over 50 participants per week.



**e. Non-profit organizations shall not be charged for the first two usages for each month.**

**4. Responsibility to leave the recreational areas clean and free of debris.**

**Anyone obtaining a permit hereunder shall have the responsibility to leave the athletic field or facility clean and free of debris. Any violator of this provision shall be subject to a fine of \$200.00. Upon a second violation, the permit holder shall no longer have the right or ability to obtain a permit for a period of one year thereafter. All fines must be paid before the permit holder may receive another permit.**

**SECTION 2. All ordinances not in conflict with the foregoing shall remain in full force and effect.**

**SECTION 3. This Ordinance shall take effect upon passage and publication as provided by Law.**

**ON THE QUESTION** – Councilwoman Fernandez asked if there was an application fee. She also asked if the rental charges will be for residents and non-residents. Councilman Bakalian asked if this applies to residents that want to use the Gazebo for birthday parties.

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

**OLD BUSINESS**

Councilman Bakalian asked if the Borough would be receiving credit for topsoil that was not used for the Livingston Street project. Mr. Loverich is waiting to hear back from the contractor. Councilman Bakalian stated it was a great job.

**NEW BUSINESS**

There was no new business to discuss at this time.

**MAYOR & COUNCIL REPORTS**

**Council President McMorrow** – the Police Department had 500 events for the month of July. There were 72 motor vehicle stops, 61 selective enforcement traffic details, 42 medical assist calls, 17 motor vehicle crashes, 35 burglar alarms, 20 suspicious activity calls, 7 verbal dispute calls and 6 theft/fraud calls. There were two arrests – 24 year old male from New York for lewdness and a 68 year old female from New York for DWI. With the resurfacing on Livingston Street, a new striping pattern was used to enhance vehicle and pedestrian safety. Traffic delineator posts were placed at the crosswalks located at Campora Drive and White Avenue as crosswalk safety measures. On July 27, 2024, at approximately 12:20 pm, the Norwood Police Department reported an armed robbery had just occurred in their jurisdiction on the east hill off of Piermont Road. The male suspect, reportedly armed with a handgun, had fled on foot and was at large in the area. Northvale Police Department Sgt. Robert Devore, Detective Charles Albanese, and Officer Daniel Leenas responded to the area as a request for mutual aid was made. Upon arrival our officers proceeded on foot into the wooded area adjacent to the residence to begin a search for the suspect. Officer Daniel Leenas then located the suspect attempting to conceal himself behind a downed tree. He then informed the other officers of his location and the suspect was taken into custody without incident. The handgun was located and secured. I would like to commend Officer Leenas for his excellent observation skills and tactics which were key in the suspect’s apprehension, as well as Sgt. Devore and Detective Albanese for their outstanding work to bring resolve to the search. This is a very proud moment for the Northvale Police Department and is a testament to the work ethic and abilities of our officers. Northvale Preschool is wrapping up the last few weeks of summer. Looking forward to starting the new school year in September. No report for the Ambulance Corps. as the meetings are suspended in the summer.



**Councilman Mattessich** – the Mayor and I had breakfast with the DPW. It was a great opportunity to engage with the guys and a great building event. They do a great job. DPW has been working on the 911 memorial lights, replacing the rope on the firehouse, installed a new bench behind field 4 and sewer maintenance. Senior Center had a lecture today on artificial intelligence sponsored by AARP. On August 22<sup>nd</sup> there will be karaoke with Chris and on August 29<sup>th</sup> Bruce Hammer will be remembering Michael Jackson's life story. Mondays are strength training, Tuesdays are yoga, and Thursdays are pilates at the senior center. Golden Age Club – spoke with Augie and membership is up. In September they will be going to Hunterdon Hills Playhouse to see One Slight Hitch. Recreation – basketball is over. The next rec meeting is in September.

**Councilwoman Fernandez** – the next Library board meeting will be on August 28<sup>th</sup> at 6:30 pm. Tomorrow the Library will be celebrating the end of summer reading with a pizza party. You can also check out the Library's website and calendar for a complete list of all their activities for both adults and children each month. We are still targeting September for the fence construction around the community garden. After fencing is in place, plots can be constructed. There will be a concert in Hogan Park this Saturday, August 17<sup>th</sup>, with a rain date of Sunday, August 18<sup>th</sup> featuring the band The Blend. The concert starts at 7 pm.

**Councilman Sokoloski** – nothing new to report for Board of Health, Northern Valley Greenway, and Safety & Risk Management. No changes in grants since last month. Requested grants pending total roughly \$3.4MM and grants awarded so far total approximately \$1.3MM.

**Councilman Bakalian** – Planning Board did not have any meetings since there were no applications ready to be heard. Building Department collected \$13,867 in fees for the month of July. Last year, they collected \$7,836 less in July. The year to date is \$103,232. Last year was \$96,787. Chamber of Commerce had their first meeting. Some businesses showed up. They would like to participate in Town Day.

**Councilman Menafr** – Fire Department had 22 emergency calls totaling 132.5 man hours for the month of July. There were 12 non-emergency calls totaling 288 man hours which includes 5 drills and 2 fire academy training classes. The fire truck tablet issues have been resolved. We are investigating switching phone service for the fire department. Fire Prevention did 37 inspections and 13 re-inspections for the month of July. Municipal Alliance – August is Overdose Awareness month and the Alliance, in conjunction with the County Alliance and Alumni in Recovery, have organized a purple flag project which will display purple flags on the front lawn of Borough Hall and the Ambulance Corp during the last week in August. Iris Fallon, who is the current Municipal Alliance Coordinator, is stepping down after serving in this role for several years. Thank you to Iris for her work and welcome and congratulations to Lauren Magielnicki who will be taking over as the coordinator. Northvale Board of Education held their last meeting on July 18<sup>th</sup>. Summer referendum projects are underway which include the Media Center renovation and air conditioning for the all purpose room and gym. The Preschool curriculum is currently under review. New parent orientation will occur this month ahead of the start of the school year. Ms. Carter, the 5<sup>th</sup> and 6<sup>th</sup> grade ELA teacher, welcomed Principal DeBlasio and thanked Ms. Galvao for her work as the 5<sup>th</sup> and 6<sup>th</sup> grade social studies teacher. Ms. Galvao had tendered her resignation and will not be returning in September. Next regular meeting is August 22<sup>nd</sup> at 6:30 pm, location TBD based on the media center renovation progress. Northern Valley Board of Education – no new updates since the July meeting was cancelled due to lack of quorum. Next regular meeting is August 26<sup>th</sup> at 7:30 pm in the Northern Valley Administrative building board room.

**Mayor McGuire** – we are scheduled to have a concert in the park this coming Saturday at 7 pm with a rain date of Sunday at 7 pm. Weather is iffy right now so we have to keep a look out. Town Day is coming up quickly on Saturday, September 7<sup>th</sup> from 1 pm to 5 pm. If you wish to reserve a vendor table, you can contact Councilwoman McMorro. Donations are always welcome. So far this summer our new summer hours for Borough Hall employees have been going well. I believe the employees appreciate it. We will go back to regular hours after Labor Day and do a review with the employees to see if they wish to do it again next year. A new bench has been installed at Hogan Park along the walking path outside of Field 4, kindly donated by the Albelli family. We welcome these types of donations as they coincide with our beautification plan and other residents are welcome to inquire about how to do that if they wish. Thank you to Scott and Neglia Engineering for the new striping plan on Livingston Street.



Traffic has slowed and the crosswalks are safer. This was a county project. The 911 memorial plaque should be coming soon and will be installed on on the large rock. Welcome to our 3 new graduates from the Police Academy – Kyle Sullivan, John Carroll, and Nick Criscuolo. You are starting to see them around town now on patrol. Welcome them aboard.

**BOROUGH ATTORNEY REPORT**

**Mr. Ralph** – Mr. Ferraro is working on 2 instances of sewer breaks in town. One contractor has paid and he is pursuing the other contractor.

**BOROUGH ENGINEER REPORT**

**Mr. Loverich** – Livingston Street striping is not done yet. Beacons will be installed at the crosswalks in September. Riverside Coop paving is complete. There is a punch list of items that have to be addressed. Bids were opened for Scharer Avenue and Wildwood Road West which is a DOT funded project. Precon meeting will be next week. Senior Center ADA bathrooms contract was awarded already. We will schedule a precon meeting with the county. The DEP is coming on Friday for about 5-6 hours to the DPW. This is to bring all towns in compliance.

**OPEN MEETING TO THE PUBLIC**

**William Hulse, 209 Willow Avenue** - there has been a big flooding problem. His house has been inundated with water 3 times from the large storms. He has had 3-4 inches to over a foot of water inside his house. He feels the street was not engineered properly. Mayor McGuire informed him that Willioiw Avenue will be paved next year. Mr. Loverich is going to look into this matter. Mr. Hulse said the ditch was cleaned out 2 years ago and has not been maintained. Mayor McGuire will meet with the DPW and Mr. Loverich to see what can be done. He will have the building department check the file to see if there is a survey that shows if the ditch is on railroad property or residents.

**Briant Bodrato, 160 Walnut Street** – asked if there is any update to the DPW building grant. This was initially denied but was appealed and there is no answer yet. Mr. Bodrato said his equipment is outside and winter is coming. He also questioned capital purchases. He said DPW received zero dollars. Mayor McGuire will discuss with the CFO.

**ADJOURNMENT**

Mayor McGuire asked for a motion and second to adjourn the meeting at 8:06 PM. Motion was moved by Councilman Mattessich, seconded by Councilman Menafra.

**Mayor McGuire asked for a roll call vote:**

Councilman Bakalian	Yes	Council President McMorrow	Yes
Councilwoman Fernandez	Yes	Councilman Menafra	Yes
Councilman Mattessich	Yes	Councilman Sokoloski	Yes

*Joseph E. McGuire*  
Mayor

**ATTEST:**

*Frances M. Weston*

Frances M. Weston  
Municipal Clerk

Approved: September 11, 2024